

and use this bill as some sort of threat to the insurer. If you can assure me that that is true, then I would vote to advance the bill.

SPEAKER BARRETT: Senator Lynch, would you care to respond?

SENATOR LYNCH: If I could respond once more, again, Senator Schmit, right now the law provides very clearly that should anyone suspect that their carrier, their insurance company is not legitimately paying that claim, they can appeal. Of course, when that happens, the Department of Insurance mandates that all of the information on hand by the agent, by the insurance company, and others relating to that claim have to be provided to the Department of Insurance. I would be very careful if I were in the business, obviously because you have to turn over all the information, to try to play games using this bill to avoid paying a claim because of that. They are subject to serious problems like being put out of business if they did and were found in the process of doing that. Mistakes may be made along the way. However, by providing the information and records being kept in the Department of Insurance, where it appears that a trend of an agent or a company appears to exist where they are fraudulently trying to avoid claims,...

SPEAKER BARRETT: One minute.

SENATOR LYNCH: ...they are also subject to serious penalties, thank you.

SENATOR SCHMIT: Thank you, Senator Lynch. I just want to reenforce my concern again that the individual citizens right to redress against an insurance company is very limited. The appeal process, although it is there, is one which the individual citizen is not very familiar, and I can tell you from experience is one which is not used very frequently against insurance companies. I hope that we are doing that which you intend to do here, Senator Lynch, not that which might happen. Thank you very much.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Clerk and members of the Legislature, I will have the opportunity between now and the time we get to Select File to review Senator Ashford's amendment and see just how far it goes and what it really does, but I have been reading the bill and I saw some words on page 2 in line 6 that I thought